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Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

Draft resolution

Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

The General Assembly,

Recalling its resolution 3499 (XXX) of 15 December 1975, by which it established the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, and its relevant resolutions adopted at subsequent sessions,

Recalling also its resolution 47/233 of 17 August 1993 on the revitalization of the work of the General Assembly,

Recalling further its resolution 47/62 of 11 December 1992 on the question of equitable representation on and increase in the membership of the Security Council,

Taking note of the report of the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters related to the Security Council,[1]

Recalling the elements relevant to the work of the Special Committee contained in its resolution 47/120 B of 20 September 1993,

Recalling also its resolution 51/241 of 31 July 1997 on the strengthening of the United Nations system and its resolution 51/242 of 15 September 1997, entitled "Supplement to an Agenda for Peace", by which it adopted the texts on coordination and the question of sanctions imposed by the United Nations, which are annexed to that resolution,

[1] *Official Records of the General Assembly, Sixty-third Session, Supplement No. 47* (A/63/47).

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Concerned about the special economic problems confronting certain States arising from the carrying-out of preventive or enforcement measures taken by the Security Council against other States, and taking into account the obligation of Members of the United Nations under Article 49 of the Charter to join in affording mutual assistance in carrying out the measures decided upon by the Council,

Recalling the right of third States confronted with special economic problems of that nature to consult the Security Council with regard to a solution of those problems, in accordance with Article 50 of the Charter,

Recalling also that the International Court of Justice is the principal judicial organ of the United Nations, and reaffirming its authority and independence,

Mindful of the adoption of the revised working papers on the working methods of the Special Committee,[2]

Taking note of the report of the Secretary-General entitled "*Repertory of Practice of United Nations Organs* and *Repertoire of the Practice of the Security Council*",[3]

Recalling paragraphs 106 to 110, 176 and 177 of the 2005 World Summit Outcome,[4]

Mindful of the decision of the Special Committee in which it expressed its readiness to engage, as appropriate, in the implementation of any decisions that might be taken at the high-level plenary meeting of the sixtieth session of the General Assembly in September 2005 that concerned the Charter and any amendments thereto,[5]

Recalling the provisions of its resolutions 50/51 of 11 December 1995, 51/208 of 17 December 1996, 52/162 of 15 December 1997, 53/107 of 8 December 1998, 54/107 of 9 December 1999, 55/157 of 12 December 2000, 56/87 of 12 December 2001, 57/25 of 19 November 2002, 58/80 of 9 December 2003 and 59/45 of 2 December 2004,

Recalling also its resolution 64/115 of 16 December 2009 and the document entitled "Introduction and implementation of sanctions imposed by the United Nations" annexed thereto,

Having considered the report of the Special Committee on the work of its session held in 2016,[6]

Noting with appreciation the work done by the Special Committee to encourage States to focus on the need to prevent and to settle peacefully their disputes which are likely to endanger the maintenance of international peace and security,

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[2] Ibid., *Sixty-first Session, Supplement No. 33* (A/61/33), para. 72.
[3] A/71/202.
[4] Resolution 60/1.
[5] *Official Records of the General Assembly, Sixtieth Session, Supplement No. 33* (A/60/33), para. 77.
[6] Ibid., *Seventy-first Session, Supplement No. 33* (A/71/33).

1. *Takes note* of the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization;[6]

2. *Decides* that the Special Committee shall hold its next session from 21 February to 1 March 2017;

3. *Requests* the Special Committee, at its session in 2017, in accordance with paragraph 5 of General Assembly resolution 50/52 of 11 December 1995:

(a) To continue its consideration of all proposals concerning the question of the maintenance of international peace and security in all its aspects in order to strengthen the role of the United Nations and, in this context, to consider other proposals relating to the maintenance of international peace and security already submitted or which may be submitted to the Special Committee at its session in 2017, including strengthening the relationship and cooperation between the United Nations and regional organizations or arrangements in the peaceful settlement of disputes;

(b) To keep on its agenda the question of the peaceful settlement of disputes between States;

(c) To consider, as appropriate, any proposal referred to it by the General Assembly in the implementation of the decisions of the high-level plenary meeting of the sixtieth session of the General Assembly in September 2005 that concern the Charter and any amendments thereto;

(d) To continue to consider, on a priority basis, ways and means of improving its working methods and enhancing its efficiency and utilization of resources with a view to identifying widely acceptable measures for future implementation;

4. *Endorses* the decisions and recommendations adopted by the Special Committee at its 2016 session, as annexed to the present resolution, and calls upon the Special Committee to consider these in an appropriate, substantive manner and framework;

5. *Invites* the Special Committee, at its session in 2017, to continue to identify new subjects for consideration in its future work with a view to contributing to the revitalization of the work of the United Nations;

6. *Notes* the readiness of the Special Committee to provide, within its mandate, such assistance as may be sought at the request of other subsidiary bodies of the General Assembly in relation to any issues before them;

7. *Requests* the Special Committee to submit a report on its work to the General Assembly at its seventy-second session;

8. *Recognizes* the important role of the International Court of Justice, the principal judicial organ of the United Nations, in adjudicating disputes among States and the value of its work, as well as the importance of having recourse to the Court in the peaceful settlement of disputes, notes that, consistent with Article 96 of the Charter, the Court's advisory jurisdiction may be requested by the General Assembly, the Security Council or other authorized organs of the United Nations and the specialized agencies, and requests the Secretary-General to distribute, in due

course, the advisory opinions requested by the principal organs of the United Nations as official documents of the United Nations;

9. *Commends* the Secretary-General for the progress made in the preparation of studies for the *Repertory of Practice of United Nations Organs*, including the increased use of the internship programme of the United Nations and further expanded cooperation with academic institutions for this purpose, as well as the progress made towards updating the *Repertoire of the Practice of the Security Council*;

10. *Notes with appreciation* the contributions made by Member States to the trust fund for the elimination of the backlog in the *Repertory*, as well as the trust fund for the updating of the *Repertoire*;

11. *Reiterates its call for* voluntary contributions to the trust fund for the elimination of the backlog in the *Repertory* so as to further support the Secretariat in carrying out the effective elimination of that backlog; voluntary contributions to the trust fund for the updating of the *Repertoire*; and the sponsoring, on a voluntary basis and with no cost to the United Nations, of associate experts to assist in the updating of the two publications;

12. *Calls upon* the Secretary-General to continue his efforts towards updating the two publications and making them available electronically in all their respective language versions, and welcomes the establishment of a new website for the *Repertory*;[7]

13. *Notes with concern* that the backlog in the preparation of volume III of the *Repertory*, although slightly reduced, has not been eliminated, and calls upon the Secretary-General to address that issue effectively and on a priority basis, while commending the Secretary-General for progress made in reducing the backlog;

14. *Reiterates* the responsibility of the Secretary-General for the quality of the *Repertory* and the *Repertoire*, and with regard to the *Repertoire* calls upon the Secretary-General to continue to follow the modalities outlined in paragraphs 102 to 106 of his report dated 18 September 1952;[8]

15. *Requests* the Secretary-General to submit to the General Assembly at its seventy-second session a report on both the *Repertory* and the *Repertoire*;

16. *Also requests* the Secretary-General to submit to the General Assembly at its seventy-second session, under the item entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization", a report on the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions;

17. *Decides* to include in the provisional agenda of its seventy-second session the item entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization".

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[7] http://legal.un.org/repertory.

[8] A/2170.

Annex

The Special Committee

1. *Calls upon* the Member States to hold intersessional informal meetings with the aim of finalizing the proposal of the Non-Aligned Movement entitled "Pacific settlement of disputes and its impact on the maintenance of peace"[9] and the proposal submitted by Ghana entitled "Working paper by Ghana on strengthening the relationship and cooperation between the United Nations and regional arrangements or agencies in the peaceful settlement of disputes",[10] and calls upon all the Member States to constructively engage on those proposals with a view to making substantive progress at the next session of the Special Committee;

2. *Recommends* that the question of the implementation of the provisions of the Charter of the United Nations relating to assistance to third States affected by the application of sanctions (Article 50 of the Charter of the United Nations) be considered by the Special Committee at the seventy-second session of the General Assembly and biennially thereafter, and recommends that the Secretary-General be requested to submit to the Assembly a report on the implementation of the provisions of the Charter relating to assistance to third States affected by the application of sanctions at the seventy-second session and biennially thereafter;

3. *Also recommends* that the Secretary-General be requested to brief the Special Committee annually, commencing at its 2017 session, on the document entitled "Introduction and implementation of sanctions imposed by the United Nations" contained in the annex to General Assembly resolution 64/115 of 16 December 2009;

4. *Requests* the Chair of the Special Committee to send a letter to the President of the General Assembly recalling the seventieth anniversary of the International Court of Justice and welcoming the events planned to commemorate the occasion;

5. *Recommends* that the General Assembly mark the seventieth anniversary of the International Court of Justice by means of the commemorative draft resolution, recommended by the Special Committee,[11] to be adopted at its seventy-first session.

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[9] *Official Records of the General Assembly, Seventieth Session, Supplement No. 33* (A/70/33), annex I.

[10] Ibid., *Seventy-first Session, Supplement No. 33* (A/71/33), annex.

[11] Ibid., para. 92.